

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO. 2074 OF 2004

Piadiam Jewels Pvt.Ltd. & ors.

Petitioners

vs.

1. Union of India & ors.

Respondents

Mr.Milind Vasudeo with Mr.Ashish Panikar i/b.
M/s.Khaitan & Jaykar for the for the petitioners.

Mr.A.J. Rana, senior counsel with Mr.S.S.Pakale and
Mr.Y.R.Mishra for the respondents.

**CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.**

DATED : 15th October 2004

P.C.

In the writ petition, the petitioners seek to challenge the order dated 24th August 2000. The writ petition was lodged in the month of July 2004. It is, thus, seen that the writ petition has been filed almost after four years of the impugned order. The learned counsel for the petitioners submits that the order dated 24th August 2000 was not received by the petitioners until March 2004. According to him, the communication dated 2nd April 2004 was sent by the petitioners to the second respondent seeking information about the fate of the appeal filed by the first petitioner before the Appellate Committee against the order in original dated 26th September 1996. By the letter dated 6th April 2004, the Under Secretary to the Government of India informed the petitioners that the appeal was rejected vide order dated 24th August 2000. This letter dated

6th April 2000 was received by the petitioners under the cover of letter dated 14th May 2004 and it was then that the petitioners came to know of the dismissal of the appeal and they preferred this writ petition.

2. The respondents initially filed the reply affidavit on 19th August 2004 and then additional reply affidavit on 9th September 2004. Pursuant to our order dated 29th September 2004 a further reply affidavit has been filed

by the respondent no.4. In the said reply affidavit,

it is stated by the respondent no.4 that under the cover dated 31st August 2000, the Under Secretary to the Government of India, Ministry of Commerce and Industry, Department of Commerce, New Delhi sent the order dated 24th August 2000 to M/s.Piadium Jewels Pvt. Ltd., G-2, Gems and Jewellery Complex, SEEPZ, Andheri (East), Mumbai. The said letter dated 31st August 2000 was sent by speed post and never returned by the postal authorities to the respondents. According to the respondents, all important postal communication is sent by the speed post. We find no justifiable reason not to accept the statement made in the reply affidavit dated 7th October 2004 that by the letter dated 31st August 2000 the petitioners were communicated the order dated 24th August 2000 passed by the Appellate Committee. The said letter was addressed to the first petitioner at G-2, Gems and Jewellery Complex, SEEPZ, Andheri (East), Mumbai. The learned counsel for the petitioners sought

to urge that the said address is factory address and factory was sealed long back in the year 1997. We are afraid, the contention of the learned counsel for the petitioners cannot be accepted as admittedly the petitioners sent letters to the Chairman, Appellate Committee to the Ministry of Commerce, New Delhi on 30th May 2000; 8th June 2000 and 24th July 2000. All these letters bear the address G-2, Gem & Jewellery Complex, SEEPZ, Andheri (East), Mumbai. To this the learned counsel for the petitioners submitted that the said address was mentioned by the petitioners in the aforesaid letters because of the pending eviction proceedings relating to the said premises. We are unable to buy the explanation of the learned counsel for the petitioners. The available material clearly suggests that the impugned order dated 24th August 2000 passed by the Appellate Committee was sent to the first petitioner under the cover dated 31st August 2000. The writ petition suffers from gross laches and does not deserve to be admitted.

3. Dismissed in limine.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)